

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2012**

***MINI JOURNAL***

***FLOOR REMARKS TO BE INSERTED***

**ELEVENTH DAY**

**FEBRUARY 3, 2012**

**OFFICE OF THE CHIEF CLERK**

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## ELEVENTH DAY

Friday, February 03, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative Isaac W. Choy, after which the Roll was called showing all Members present with the exception of Representatives Awana and Cabanilla, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Ninth and Tenth Days was deferred.

## SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 5) was received and announced by the Clerk:

Sen. Com. No. 5, transmitting H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on February 2, 2012.

## INTRODUCTIONS

The following introductions were made to the Members of the House:

REMARKS DELIVERED: Rep. Cullen  
Rep. Yamane

## ORDER OF THE DAY

## SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading and Final Reading by consent calendar. (Representatives Awana and Cabanilla were excused.)

## UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 34-12) recommending that H.B. No. 101, HD 1, as amended in HD 2, pass Third Reading.

Representative Chong moved that the report of the committee be adopted, and that H.B. No. 101, HD 2, pass Third Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine  
Rep. Thielen  
Rep. Marumoto

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 101, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 49 ayes, with Representative Awana being excused.

At 12:16 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 101, HD 2

H.B. No. 608, HD 3, SD 1, CD 2:

By unanimous consent, action was deferred to the end of the calendar.

## REPORTS OF STANDING COMMITTEES

Representatives Souki and McKelvey, for the Committee on Transportation and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 61-12) recommending that H.B. No. 2380, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2380, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Carroll

TO BE INSERTED: Rep. Carroll  
(Submit by Wednesday, February 8)

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2380, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 62-12) recommending that H.B. No. 1787, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1787, HD 1, pass Second Reading and be referred to the Committee on Health, seconded by Representative Evans.

REMARKS DELIVERED: Rep. McKelvey  
Rep. Tsuji  
Rep. Ching

TO BE INSERTED: Rep. Tsuji  
Rep. Ching  
(Submit by Wednesday, February 8)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1787, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Health, with Representative Awana being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 63-12) recommending that H.B. No. 1945, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1945, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 64-12) recommending that H.B. No. 2093, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Higher Education and the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2093,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL EDUCATION," passed Second Reading and was referred jointly to the Committee on Higher Education and the Committee on Education, with Representative Awana being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 65-12) recommending that H.B. No. 2525, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2525, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ward  
Rep. Hanohano

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 66-12) recommending that H.B. No. 2490, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2490, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Thielen  
Rep. Hanohano

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2490, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 67-12) recommending that H.B. No. 2589, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2589, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. McKelvey

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2589, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VESSELS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 68-12) recommending that H.B. No. 2482, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2482, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Hanohano

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2482, entitled: "A BILL FOR

AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 69-12) recommending that H.B. No. 2612, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2612, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT REVENUE," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Awana being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 70-12) recommending that H.B. No. 2614, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2614, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL HARBORS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 71-12) recommending that H.B. No. 2320, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 72-12) recommending that H.B. No. 1736, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 73-12) recommending that H.B. No. 2035, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 74-12) recommending that H.B. No. 1965, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1965, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR PHARMACISTS," passed Second Reading and was

referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 75-12) recommending that H.B. No. 2276, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2276, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ichiyama

TO BE INSERTED: Rep. Ichiyama  
(Submit by Wednesday, February 8)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2276, entitled: "A BILL FOR AN ACT RELATING TO SKATEBOARDS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 76-12) recommending that H.B. No. 1955, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1955, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 77-12) recommending that H.B. No. 1960, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 78-12) recommending that H.B. No. 1846, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1846, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WAHIAWA GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 79-12) recommending that H.B. No. 1952, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1952, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ching

TO BE INSERTED: Rep. Ching  
(Submit by Wednesday, February 8)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONE MARROW TRANSPLANTS," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 80-12) recommending that H.B. No. 1830, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1830, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Belatti  
Rep. Ward  
Rep. Marumoto  
Rep. Hanohano  
Rep. Fontaine  
Rep. Ching  
Rep. Wooley  
Rep. C. Lee  
Rep. Saiki

TO BE INSERTED: Rep. Saiki  
(Submit by Wednesday, February 8)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1830, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Belatti, Hanohano, Marumoto, Saiki and Ward voting no, and with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 81-12) recommending that H.B. No. 1611, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1611, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Awana being excused.

## END OF CALENDAR

## UNFINISHED BUSINESS

### H.B. No. 608, HD 3, SD 1, CD 2:

Representative Chong moved that H.B. No. 608, HD 3, SD 1, CD 2, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ching  
Rep. Fontaine  
Rep. Ching  
Rep. Yamane  
Rep. Morikawa  
Rep. Aquino  
Rep. Mizuno  
Rep. Cullen  
Rep. McKelvey

TO BE INSERTED: Rep. Ching  
Rep. Cullen  
(Submit by Wednesday, February 8)

The motion was put to vote by the Chair and carried, and H.B. No. 608, HD 3, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 50 ayes.

At 12:42 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 608, HD 3, SD 1, CD 2

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 19) and concurrent resolution (H.C.R. No. 37) were referred to Printing and further action was deferred:

H.R. No. 19, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ADDRESS THE HIGH COST OF INCARCERATION WITHOUT REHABILITATION BY ESTABLISHING APPROPRIATE REHABILITATION PROGRAMS IN LIEU OF INCARCERATION FOR CERTAIN CONVICTED INDIVIDUALS," was offered by Representative Hanohano.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT REQUIRES INTERNET RETAILERS TO OFFER SHIPPING FEES FOR POSTAGE TO ALASKA AND HAWAII THAT ARE COMPARABLE TO SHIPPING FEES FOR POSTAGE TO THE FORTY-EIGHT CONTIGUOUS STATES," was jointly offered by Representatives Tokioka, Aquino, Carroll, Chang, Choy, Cullen, Har, Ito, Kawakami, Keith-Agaran, McKelvey, Nakashima, Yamane and Coffman.

### ANNOUNCEMENTS

#### COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

**H.B.  
No.**

**Re-referred to:**

2523 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

### ADJOURNMENT

At 12:43 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 06, 2012.

### HOUSE COMMUNICATIONS

House Communication dated February 3, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 608, HD 3, SD 1, CD 2

### OTHER COMMUNICATIONS

RECEIVED

2012 FEB -2 P 2:59

CHIEF CLERK'S OFFICE HOUSE OF REPRESENTATIVES  
HONOLULU, HAWAII 96813



STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

February 2, 2012

The Honorable Calvin Say  
Speaker of the House of Representatives  
Hawaii State Capitol, Room 431  
Honolulu, HI 96813

Dear Speaker Say,

I'm most disheartened to tell you that I must resign from the office of Representative of the 33<sup>rd</sup> District of the State of Hawaii House of Representatives.

When the opportunity arose to apply for this position, I believed that I was physically able to do the job for the people of my district. Regretfully, I was mistaken, and, under the advice of my doctor, am resigning effective February 2, 2012.

It is an understatement for me to say that I am disappointed. At the same time, I realize that the residents of my district deserve the full attention and energy of their Representative.

I humbly thank you and your staff for your tremendous assistance and support and wish you the very best with the legislative session ahead.

Sincerely,

*Tom Okamura*

Tom Okamura  
State Representative

cc: The Honorable Neil Abercrombie, Governor, State of Hawaii

cc: clerks/accounting

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